

REMARKS

Favorable consideration and allowance are respectfully requested for claims 1-16 and 18-28.

The claims have been amended in order to clarify the metes and bounds of the present invention. In particular, the claims, as currently amended, describe the invention in terms that eliminate the possibility that elements of the claimed invention may be misinterpreted as relying on "intended use" to define their functionality.

35 U.S.C. §103 Rejections

The Office Action maintains the rejection of claims 1-9, 12, 15, 16, and 18-26 under 35 U.S.C. §103(a) over Fogelman et al. (US 4,440,457) in view of Crowell et al. (US 6,357,718) and Morningstar (US 3,853,381). This rejection is respectfully traversed.

The Office Action contends that the combination of Fogelman et al., Crowell et al., and Morningstar et al. renders the invention of claims 1-9, 12, 15, 16, and 18-26 obvious. In response to Applicants' arguments to the contrary, the Office Action merely asserts that the claims describe certain features in terms of "intended use" and that if "a prior art reference structure is capable of performing the intended use, then it meets the claim." The importance of answering applicant's arguments is illustrated by *In re Herrmann*, 261 F.2d 598, 120 USPQ 182 (CCPA 1958) where the applicant urged that the subject matter claimed produced new and useful results. The court noted that since applicant's statement of advantages was not questioned by the examiner or the Board of Appeals, it was constrained to accept the statement at face value and therefore found certain claims to be allowable. See also *In re Soni*, 54 F.3d 746, 751, 34 USPQ2d 1684, 1688 (Fed. Cir. 1995) (Office failed to rebut applicant's argument). As noted above, the claims, as currently amended, describe the invention in active terms that eliminate the possibility that elements of the claimed invention may be misinterpreted as relying on "intended use" to define their functionality. The present claims recite structural differences that distinguish the present invention from the cited art. As such, and given the Office Action's sole response to Applicants previous arguments, Applicants respectfully request withdrawal of this rejection.

Further, as stated previously, the cited references simply do not teach or suggest a jack screw with a shoulder and a nut where the nut is configured to be threaded onto the jack screw to secure a retainer against the shoulder. The Office Action offers Morningstar as teaching a

shoulder, pointing to reference numeral 56. In Morningstar, col. 2:50 states that reference numeral 56 is a gripping means “which in this case is a T shaped handle.” This handle is nothing like the shoulder of the present claims. At col. 2:48, Morningstar does reference an “annular shoulder 58” however later in this same paragraph, the reference uses numeral 58 to refer to the longitudinal slots 58 formed in shoulder 52, see col. 2:55-56. Assuming the reference intended element 52 as a shoulder, the reference still does not teach that a nut threads onto the jackscrew so as to secure a retainer against the shoulder. Indeed, Morningstar does not disclose any nut at all. Instead, the shoulder contemplated by Morningstar serves as a feature within which axial slots or grooves 58 and 66 are provided. These axial slots or grooves appear to engage the tines of a removal tool 76, see col. 3:10-24, so as to be able to remove the jack screw from a block.

The Office Action offers Crowell as teaching a jackscrew assembly including a nut. As indicated previously, Crowell’s teachings relevant to a nut are limited to a jam nut that is used to deform (and expand) a separate member so as to restrain the jackscrew assembly within a mounting opening. There is no suggestion that the nut is threaded onto the jack screw, as in the present claims. Further, there is no suggestion that the assembly be configured so that the nut will secure a retainer against the shoulder. Crowell’s jam nut is not at all like the arrangement contemplated in the present claims.

Fogelman does not specify the use of jackscrews and therefore it follows that this reference also fails to describe the use of a nut threaded onto a jackscrew to secure a retainer against a shoulder. Indeed, none of the references describe an arrangement for a jackscrew having a nut threaded onto the jackscrew to secure a retainer against a shoulder.

Further, none of the cited references teach or suggest that adjustment of a position of a shoulder on a jackscrew changes a position of the monitor. Crowell fails to provide any disclosure regarding a jackscrew with a shoulder. Fogelman discloses a monitor that is fixedly mounted to a mounting frame in a known position. Morningstar is offered as teaching a shoulder; however the reference does not teach any interaction between the shoulder and a nut, much less that the shoulder might be useful in adjusting the position of a separate element.

Accordingly, the cited references fail to teach or suggest each and every element recited in the present claims. For this reason, the obviousness rejection cannot be properly maintained and reconsideration and withdrawal thereof are respectfully requested.

The rejection of claim 13 under 35 U.S.C. §103(a) over Fogelman et al. (US 4,440,457) in view of Crowell et al. (US 6,357,718) and Morningstar (US 3,853,381), and further in view of Koza et al. (US 4,652,998) is respectfully traversed.

Claim 13 is ultimately dependent from independent claim 6 which recites the features discussed above. Koza is offered as teaching a processor and printing device. Koza does not make up for the deficiencies of the three other cited references as discussed above. Accordingly, claim 13 is allowable over the proposed combination of references for at least the same reasons as discussed above.

Reconsideration and withdrawal of this rejection are therefore respectfully requested.

The rejection of claims 10, 11, 14 and 27-28 under 35 U.S.C. §103(a) over Fogelman et al. (US 4,440,457) in view of Crowell et al. (US 6,357,718) and Morningstar (US 3,853,381), and further in view of Inoue (US 5,609,524) is respectfully traversed.

Each of these claims, either directly or through their dependency to an independent claim, includes the features of a nut configured to be threaded onto the jack screw to secure a retainer against the shoulder as discussed above. Inoue is offered as teaching a front door having an aperture through which the monitor is visible when the door is closed. Inoue does not make up for the deficiencies of the three other cited references as discussed above. Accordingly, these claims are allowable over the proposed combination of references for at least the same reasons as discussed above.

Moreover, Fogelman teaches away from making the combination proposed in the Office Action because using Fogelman with an open aperture would render Fogelman unsatisfactory for its intended purpose and would destroy the intended function and principle of operation disclosed by Fogelman. In particular, if an open aperture were provided there would no longer be a feature to provide Fogelman's required protection or to hold Fogelman's graphic display panel in place. Therefore, it is improper to either combine Fogelman and Crowell or to modify Fogelman so as to arrive at the subject matter contemplated in these claims.

Reconsideration and withdrawal of this rejection are therefore respectfully requested.

CONCLUSION

In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Although this paper is believed to be timely filed, if necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 50-3211 (Docket No. 21204.0182US)

Respectfully submitted,

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